

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

SB 2331 - HB 2590

April 5, 2022

SUMMARY OF BILL AS AMENDED (016466): Requires a law enforcement officer who takes a child into custody for the commission of an offense that would be considered a misdemeanor if committed by an adult and issues a citation to the child in lieu of continued custody to make efforts to contact a parent, guardian, or legal custodian of the child if the officer deems it to be appropriate.

Authorizes a court to commit a delinquent child to the custody of the Department of Children's Services (DCS), if the offense for which the child was found delinquent would constitute a misdemeanor if committed by an adult and the child was previously adjudicated delinquent for certain other offenses.

Requires on-site facility supervisors-in-charge at certain facilities which house juveniles to report to the state House of Representatives member and the state Senate member for the legislative district in which the facility is located, upon an escape by certain juveniles who are accused or adjudicated to be delinquent or upon a security breach at such facility. Specifies the manner and order-of-priority by which all reports of escapes and security breaches are to be reported by facility supervisors-in-charge.

FISCAL IMPACT OF BILL AS AMENDED:

On March 28, 2022, a fiscal memorandum was issued for this bill. Based on new information received from the Department of Children's Services, the estimated fiscal impact has been corrected as follows:

(CORRECTED)

Increase State Expenditures - \$3,435,200/FY22-23 and Subsequent Years

Increase Federal Expenditures - \$2,583,900/FY22-23 and Subsequent Years

Assumptions for the bill as amended:

- Granting a law enforcement officer the ability to contact the guardian of a child in their custody will not have an impact of law enforcement resources.

- According to information provided by DCS, there are currently 360 minors who could potentially become eligible for commitment to DCS custody under the proposed legislation.
- Based on the projected rate of recidivism, it is estimated that 48 additional minors will be committed to DCS custody per year as a result of this legislation.
- DCS will need to contract with private providers for the placement of the additional minors.
- The daily contract rate for a child adjudicated by the juvenile justice system is \$333.72.
- Therefore, the increase in expenditures for placing delinquent children is estimated to be \$5,846,774 (48 children x \$333.72 x 365 days) in FY22-23 and subsequent years.
- The recurring increase in expenditures of \$5,846,774 will consist of \$3,332,661 in state funding and \$2,514,113 in federal funding.
- Pursuant to Tenn. Code Ann. § 37-5-132(a)(2), DCS is required to maintain staffing levels of case managers to allow caseloads not to exceed an average of 20 children monitored and supervised in active cases relating to ongoing services.
- Based on current staffing levels, DCS will require three additional case manager positions beginning in FY22-23.
- The increase in expenditures associated with the additional positions is estimated to be \$172,359 (\$129,990 salaries + \$42,369 benefits) in FY22-23 and subsequent years.
- The recurring increase in expenditures of \$172,359 will consist of \$102,579 in state funding and \$69,780 in federal funding.
- A total increase in state expenditures of \$3,435,240 (\$3,332,661 placement + \$102,579 staffing) in FY22-23 and subsequent years.
- A total increase in federal expenditures of \$2,583,893 (\$2,514,113 placement + \$69,780 staffing) in FY22-23 and subsequent years.
- Tennessee Code Annotated § 37-1-116(j) requires an on-site facility supervisor-in-charge to report an escape or security breach to DCS and the chief law enforcement officer of the county in which the facility is located.
- The proposed legislation would require reports to DCS and chief law enforcement officers to be made by phone.
- Requiring supervisors-in-charge to also send reports on escapes and security breaches to members of the General Assembly by email will not have a significant fiscal impact on state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/ch